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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,386	11/03/2003	Matts Lindgren	1504-1029	2723

466 7590 05/10/2005

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EXAMINER

FORD, JOHN K

ART UNIT PAPER NUMBER

3753

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/698,386

Applicant(s)

LINDGREN, MATTS

Examiner

John K. Ford

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 1/28/05
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/30/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Applicant's amendment of January 28, 2005 is acknowledged and Applicant's helpful submission of the IPER (i.e. the PCT 409 form) and the new and clearer specification is appreciated. In view of the incorporation of claim 15 into claim 14, the Examiner withdraws the previous restriction requirement and examines all of the claims here. All of the claims are deemed to contain allowable subject matter however some vagaries remain to be addressed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.


In claim 1, line 19, claim 2, last paragraph, claim 5, line 7, claim 8, line 21, claim 14, line 27 and claim 17, line 7, the use of "whereby" is unclear. Important limitations follow the word "whereby" in each of these claims at the indicated location and the Examiner believes that they were intended to be operative limitations in the claims. "Whereby clauses" normally are used in U.S. practice to add functional language to structural claims and is often ignored in the examination of the apparatus. The Examiner would suggest that each of these occurrences of "whereby" be changed to - - wherein - - so that these recitations are positively given the weight that applicant has intended them to be given. In claim 2, the second formula has an extra "." in front of  $q_{sec}$ . In claim 4, line 4, "preferably" is vague (see MPEP 2173.05(b)) and the Examiner would suggest canceling it. In claim 6, line 6, there is no antecedent basis in

Art Unit: 3753

claim 1 for the last term in the claim (*qprim\_set point*). In claim 7, line 6, "exchangers" should be changed to - - exchanger - -. In claim 8, line 16, "and/or" should be changed to - - or - - (because the specification discloses these only as alternatives). In claim 8, lines 18 and 19 "and that" is repeated twice in succession. Please eliminate the redundancy. In claim 11, line 8, "a temperature gauge" should read - - said temperature gauge - -. Claim 12 should depend from claim 9, as that is where the antecedent for "valve (5)" is found. In claim 13, line 9, "disbranched" should be changed to - - branched - - for diction purposes. Finally, in claim 14, line 5, "effectible by the" should probably read - - controlled by a - - for diction and antecedent basis concerns.

Claims 1-14, 16 and 17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication should be directed to John K. Ford at telephone number 571-272-4911.



**John K. Ford**  
Primary Examiner